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10/510,313	10/01/2004	Rolf-Dieter Pavlik	2002P03971WOUS	4818

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Siemens Corporation
Intellectual Property Department
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EXAMINER

JARRETT, RYAN A

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/510,313	PAVLIK ET AL.	
	Examiner	Art Unit	
	Ryan A. Jarrett	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15,17-23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-15,17-23 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-15, 20-23, and 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuchlin et al., "HighRobot: Telerobotics in the Internet". Kuchlin et al. discloses:

8. A production machine comprising a control integrated in a Web server, wherein the Web server comprises a plurality of software modules installed on a Web server kernel using standardized software interfaces, and wherein at least one of the software modules comprises first mechanisms to implement the control (e.g., paragraph 4.1, paragraph 4.2, paragraph 4.2.2).

9. The production machine according to Claim 8, wherein the Web server comprises a connection with a communications network (e.g., paragraph 4.1, paragraph 4.2).

10. The production machine according to Claim 9, wherein the communications network is the Internet (e.g., paragraph 4.1, paragraph 4.2).

11. The production machine according to Claim 8, wherein Internet protocols are provided for communication between the software modules and for communication between the software modules and components outside the Web server (e.g., Fig. 1, paragraph 3.2, paragraph 4.2).

12. The production machine according to Claim 9, wherein Internet protocols are provided for communication between the software modules and for communication between the software modules and components outside the Web server (e.g., Fig. 1, paragraph 3.2, paragraph 4.2).

13. The production machine according to Claim 8, wherein the Web server is adapted for configuring and administrating the software modules (e.g., paragraph 4.2.2).

14. The production machine according to Claim 9, wherein the Web server is adapted for configuring and administrating the software modules (e.g., paragraph 4.2.2).

15. The production machine according to Claim 11, wherein the Web server is adapted for configuring and administrating the software modules (e.g., paragraph 4.2.2).

20. The production machine according to Claim 8, wherein the Web server is connected via a communications network with a Web browser as operating and monitoring system (e.g., paragraph 4.1).

21. The production machine according to Claim 9, wherein the Web server is connected via a communications network with a Web browser as operating and monitoring system (e.g., paragraph 4.1).

22. The production machine according to Claim 11, wherein the Web server is connected via a communications network with a Web browser as operating and monitoring system (e.g., paragraph 4.1).

23. The production machine according to Claim 13, wherein the Web server is connected via a communications network with a Web browser as operating and monitoring system (e.g., paragraph 4.1).

25. The production machine according to Claim 8, wherein the Web server comprises a real-time operating system (e.g., paragraph 2).

26. The production machine according to Claim 9, wherein the Web server comprises a real-time operating system (e.g., paragraph 2).

27. The production machine according to Claim 11, wherein the Web server comprises a real-time operating system (e.g., paragraph 2).

28. A production machine comprising:
a computer operating system in a computer comprising a real-time reaction capability (e.g., paragraph 2);

a web server kernel installed on the computer operating system for data communication with a network, the web server kernel comprising a standardized interface for software extension modules; a machine process control module installed on the web server kernel via the standardized extension interface; the machine process control module in data communication with a production machine for monitoring and controlling the machine; the machine process control module in data communication with the network via the web server kernel (e.g., Fig. 1, paragraph 4.1, paragraph 4.2, paragraph 4.2.2); and

a client on the network comprising a user display and user input interface and a communication interface to the network; whereby a user of the user display and user input interface can monitor and control the production machine remotely via the network (e.g., paragraph 4.1).

3. Claims 8-15, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/23290. WO 02/23290 discloses:

8. A production machine (e.g., pg. 1 lines 1-3) comprising a control (e.g., pg. 18 lines 16-19, pg. 18 lines 26-34, Fig. 7) integrated in a Web server (e.g., pg. 18 lines 32-34, pg. 4 lines 5-10), wherein the Web server comprises software modules (e.g., pg. 18 line 27), and

wherein at least a first software module comprises first mechanisms to implement the control (e.g., pg. 18 lines 26-34, Fig. 7).

9. The production machine according to Claim 8, wherein the Web server comprises a connection with a communications network (e.g., pg. 19 lines 1-11).

10. The production machine according to Claim 9, wherein the communications network is the Internet (e.g., pg. 19 lines 1-11).

11. The production machine according to Claim 8, wherein Internet protocols are provided for communication between the software modules and for communication between the software modules and components outside the Web server (e.g., pg. 17 lines 2-9, pg. 18 lines 26-27).

12. The production machine according to Claim 9, wherein Internet protocols are provided for communication between the software modules and for communication between the software modules and components outside the Web server (e.g., pg. 17 lines 2-9, pg. 18 lines 26-27).

13. The production machine according to Claim 8, wherein the Web server is adapted for configuring and administrating the software modules (e.g., pg. 7 lines 13-15).

14. The production machine according to Claim 9, wherein the Web server is adapted for configuring and administrating the software modules (e.g., pg. 7 lines 13-15).

15. The production machine according to Claim 11, wherein the Web server is adapted for configuring and administrating the software modules (e.g., pg. 7 lines 13-15).

17. The production machine according to Claim 9, wherein the Web server comprises a connection to the Internet via a firewall (e.g., Fig. 7, pg. 17 line 31).

18. The production machine according to Claim 11, wherein the Web server comprises a connection to the Internet via a firewall (e.g., Fig. 7, pg. 17 line 31).

19. The production machine according to Claim 13, wherein the Web server comprises a connection to the Internet via a firewall (e.g., Fig. 7, pg. 17 line 31).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuchlin et al. as applied to claims 9, 11, and 13 above, and further in view of WO 02/23290.

Kuchlin et al. does not appear to explicitly disclose that the Web server comprises a connection to the Internet via firewall.

WO 02/23290 discloses a Web server comprising a connection to the Internet via a firewall in an industrial remote control application (e.g., Fig. 7, pg. 17 line 31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kuchlin et al. with WO 02/23290 in order to prevent unauthorized access to the Web server and industrial tools of Kuchlin et al., as taught by WO 02/23290.

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6. Claims 20-23 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/23290 as applied to claims 8, 9, 11, and 13 above, and further in view of Kuchlin et al., "HighRobot: Telerobotics in the Internet".

Regarding claims 20-23 and 28, WO 02/23290 does not appear to explicitly disclose that the Web server is connected via a communications network with a Web browser as operating and monitoring system.

Kuchlin et al. discloses a Web server connected via a communications network with a Web browser as operating and monitoring system for an industrial robot application (e.g., paragraph 4.1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify WO 02/23290 with Kuchlin et al. since Web browser provide a user-friendly interface for viewing Internet data.

Regarding claims 25-28, WO 02/23290 does not appear to explicitly disclose that the operating system of the Web server is a real-time operating system.

Kuchlin et al. discloses a Web server comprising a real-time operating system in a remote control application for an industrial robot system (e.g., paragraph 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify WO 02/23290 with Kuchlin et al. in order to react within a nominal and guaranteeable time to random external events associated with the tobacco

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processing machine, and since Kuchlin et al. discloses that all major operating systems are expected to have soft-real time capability by the year 2000.

Response to Arguments

7. Applicant's arguments filed 12/6/05 have been fully considered but they are not persuasive.

Applicant has associated the claimed "process control module" with the "HIGHROBOT control" of Kuchlin et al. This is not an accurate correlation. The "HIGHROBOT control" of Kuchlin et al. corresponds to the claimed "computer operating system", whereas the claimed "process control module" corresponds to the *RobotBody* body object attached to the server of Kuchlin et al., for example (e.g., Section 4.2.2).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (571) 272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ryan A. Jarrett
Examiner
Art Unit 2125

1/4/06
RAJ

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